



U.S. Department of Justice

United States District Court
Southern District of New York

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 7/28/2022

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 27, 2022

BY ECF

The Honorable Analisa Torres
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Mario Powell*, 18 CR 287 (AT)

Dear Judge Torres:

The Government writes on behalf of the parties to request a stay of the pre-trial submission schedule pending receipt of the anticipated report from the Bureau of Prisons concerning the psychological treatment and competency restoration treatment conducted pursuant to 18 U.S.C. § 4241(d), which recently concluded on July 15, 2022. Given the anticipated relevance to any pre-trial submissions and the broader proceedings of that report, which the parties understand will be filed within approximately the next two weeks, the parties respectfully submit that a stay is appropriate. The parties further respectfully request an in-person conference before the Court at a date of convenience to the Court in September 2022. At this conference, the parties and the Court may (i) address the report and any submissions from the parties concerning it, which the parties respectfully propose to submit one week prior to any conference, (ii) resolve the current status of the defendant and his capacity to permit the proceedings to go forward, and (iii) set any appropriate schedule for pre-trial submissions. This is the first request from the parties for a stay of the present pre-trial submission schedule. Finally, the parties report to the Court that in light of the current trial schedule of counsel for the parties and the expected time that counsel for the defendant anticipates will be required to prepare for any trial with the defendant, who is detained, following the defendant's recent treatment period away from the metropolitan area, the parties are available for trial beginning on January 9, 2023 and for the balance of Q1 2023. Accordingly, in order to secure time within the schedule of the Court and fix a date in the schedule of the parties, the parties

respectfully request that the Court now schedule a trial at the earliest date that is convenient for the Court during Q1 2023.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: Thomas John Wright
Thomas John Wright
Assistant United States Attorney
(212) 637-2295

cc: James Kousouros, Esq. (Counsel to Defendant Mario Powell) (by ECF)

GRANTED. By **September 19, 2022**, the parties shall file any motions in limine, as well as their joint proposed voir dire questions, requests to charge, and verdict forms. By **October 3, 2022**, the parties shall file any opposition to the motions in limine. The Court will hold a status conference on **September 6, 2022, at 2:00 p.m.** The parties shall file any submissions regarding the forensic report by **August 30, 2022**. The final pretrial conference shall occur on **January 18, 2023, at 3:00 p.m.** Trial shall commence on **January 23, 2023, at 9:00 a.m.**

SO ORDERED.

Dated: July 28, 2022
New York, New York



ANALISA TORRES
United States District Judge